



United States Department of the Interior



FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

September 30, 2005

Lawrence C. Evans
Chief, Regulatory Division
U.S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

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**JACKSONVILLE DISTRICT
USACE**

Attention: Stuart L. Santos

Dear Mr. Evans:

This letter serves to amend the Fish and Wildlife Service's (Service) July 12, 2005, letter to the Army Corps of Engineers (Corps) concurring that implementation of the 2005 Manatee Key and its attachments are not likely to adversely affect the Florida manatee (*Trichechus manatus*) or its critical habitat. This consultation has been assigned Service Log Number 4-1-05-PL-12600.

Our July 12, 2005, concurrence letter stated that for all future applications analyzed with the July 2005 version of the Manatee Key in which the Corps reached a "may affect, not likely to adversely affect" determination for manatees and/or their critical habitat, the Service concurred with those determinations. As originally intended, the Service would not receive permit applications from the Corps for single-family docks since these types of facilities are already covered by the consultation on the manatee key.

However, an unintended outcome has arisen from this letter for multi-slip facilities that reach a "may affect, not likely to adversely affect" determination using the manatee key. Based on our concurrence letter, the Corps does not have to forward to the Service applications for multi-slip facilities with this effect determination which is inconsistent with the manatee key. The Service intends to conduct evaluations of all multi-slip facilities regardless of their respective effect determinations. The Corps has agreed to forward such applications to the Service consistent with the manatee key.

Therefore, in order for the intent of our letter to comply with the implementation of the 2005 Manatee Key and to maintain consistency with Interim II, we have revised the following paragraph to read as follows:

We have examined the July 2005 version of the Manatee Key along with its attachments and agree with its structure and content. Therefore, all future applications for single-family dock facilities analyzed with the July 2005 version



of the Manatee Key in which the Corps reaches a “may affect, not likely to adversely affect” determination with respect to the manatee and/or its designated critical habitat, the Service hereby concurs with those determinations in accordance with 50 CFR 402.14(b)1. As such, the January 2001 version of the Manatee Key and its attachments, as well as other earlier versions of the Manatee Key, are no longer applicable as regulatory planning tools.

This amended concurrence letter fulfills the requirements of section 7 of the ESA and no further action is required. If modifications are made to the project, if additional information involving potential effects to listed species becomes available, or if a new species is listed or new critical habitat is designated that may be affected by the project, then reinitiation of consultation may be necessary.

If you have any questions or concerns about this consultation, please feel free to contact Kalani Cairns of this office at 772-562-3909, extension 240.

Sincerely yours,



James J. Slack *Foy*
Field Supervisor
South Florida Ecological Services Office

cc:

Service, Atlanta, Georgia (David Flemming)
Service, Jacksonville, Florida (David Hankla)
Service, Panama City, Florida (Gail Carmody)